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U.S. District Court, EDNY

NOV. 21, 2022 @ 2:59 AM

Brooklyn

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRAINWAVE SCIENCE, INC.

Plaintiff

Second Letter from Defendant
Dr. Lawrence A. Farwell to
Magistrate Judge Roanne L. Mann in
Response to Order of Nov. 14, 2022
and First Response to Plaintiffs
Affidavit of Nov. 17, 2022

- against -

Civil Action No.: 21-cv-4402 (BMC-RLM)

ARSHEE, INC., DR. LAWRENCE A.
FARWELL, DR. THIERRY MAISON and
BRAIN FINGERPRINTING FOUNDATION

Defendants.

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Dear Judge Mann:

1. On November 14, 2022, this Court issued the following Order:

SCHEDULING ORDER re [95] Affidavit filed by Brainwave Science, Inc. By Order dated November 8, 2022, this Court directed plaintiff to show cause why it should not be directed to execute the agreement proffered by defendant Farwell for comparative testing of the parties' respective P300-related software. In response, plaintiff proposed an alternative to the "Scope of Work" provision drafted by defendant Farwell, which appears to be a reasonable compromise between the parties' positions. By November 17, 2022, defendant Farwell must respond to plaintiff's alternate proposal (ECF #95-1). Ordered by Magistrate Judge Roanne L. Mann on 11/14/2022.

2. On November 16, Defendant Dr. Lawrence A. Farwell submitted a letter (ECF #96) in response to said Order.
3. On November 17, Plaintiff submitted Plaintiff's Attorney's Affirmation in Response to Defendant Farwell's November 16, 2022 Affirmation (ECF #97; "Plaintiff's 11/17/2022 Affirmation.")
4. Plaintiff's 11/17/2022 Affirmation contained several demonstrably and unequivocally false statements of fact, including several statements that Plaintiff had made previously and that had already been proven to be false by Plaintiff's own documents submitted in this case; contained several spurious arguments; and presented a position that is unfair and unreasonable and, if accepted by this Court, would have allowed Plaintiff to trick this Court into creating an unworkable situation wherein the software testing at issue per the Preliminary Injunction would not take place.
5. I respectfully request that I be allowed four business days, until November 25, 2022 to submit a response that corrects the record on said false statements, documents said correction, and replies to Plaintiff's spurious arguments.
6. Failing that, I respectfully request that I be allowed at least a few business hours to prepare and submit such a response.

Sincerely,

Lawrence A. Farwell

Dr. Lawrence A. Farwell, Defendant

Date: November 16, 2022

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